

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**TYLER TECHNOLOGIES, INC.,**

**Plaintiff,**

**V.**

**LEXINGTON COUNTY, SOUTH  
CAROLINA,**

**Defendant.**

**Civil Action No. 3:22-cv-01991-CMC**

**JOINT RULE 26(f) REPORT**  
**REGARDING DISCOVERY PLAN**

Pursuant to the Court’s August 29, 2022 Conference and Scheduling Order (ECF No. 13) and Federal Rule of Civil Procedure 26(f), counsel for Plaintiff Tyler Technologies, Inc. (“Tyler”) and Defendants Lexington County, South Carolina (the “County”) met and conferred on September 16, 2022, via phone to discuss the matters required by the Court and the applicable Rules and hereby submit the following information regarding the parties’ proposed discovery plan:

Pursuant to Fed. R. Civ. P. 26(f), the parties propose the following discovery plan that is designed to maximize the efficiency of pretrial case preparation.

## FACT DISCOVERY

The parties recommend that the Court establish the following fact discovery deadlines and limitations:

1. The parties must make their initial disclosures required by Rule 26(a)(1) on or before November 1, 2022.
2. The parties anticipate discovery to focus on the following subjects: (1) the parties' Contract for Tax Billing Collection System dated June 26, 2014 and related amendments and addenda (collectively, the "Agreement"); (2) the implementation of the software system contemplated by the Agreement; (3) the scope of the implementation project; (4) the County's effort to terminate the Agreement; and (4)

any damages associated with the alleged breach of that Agreement. Fact discovery procedures shall be commenced in time to be completed on or before April 14, 2023.

3. The parties do not anticipate any issues about preservation, disclosure, production, or discovery of electronically stored information, and anticipate that they will agree to the ESI Protocol
4. The parties do not anticipate issues about claims of privilege and of protection as attorney work-product or trial preparation materials, as required by Fed. R. Civ. P. 26(f). The parties agree to follow the procedure set forth in Fed. R. Civ. P. 26(b)(5)(B) regarding information produced in discovery that is subject to a claim of privilege or protection as trial-preparation material. Pursuant to Fed. R. Evid. 502, the inadvertent production of any documents in this proceeding shall not constitute a waiver of any privilege or protection applicable to those documents in any this or any other federal or state proceeding.
5. The parties believe that the discovery limitations established by the Federal Rules of Civil Procedure are appropriate for this matter and do not propose any additional limitations or restrictions on discovery at this time.

#### **EXPERT DISCOVERY**

The parties do not currently anticipate the need for expert witnesses at trial, but reserve the right to call such witnesses and propose that the Court establish the following plan for expert discovery:

1. Disclosure of the identities of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B) (accompanied by the written report prepared and signed by the expert witness) and the full disclosures required by Rule 26(a)(2)(C), shall be made as follows:
  - a) Plaintiff on or before December 23, 2022.
  - b) Defendant on or before January 20, 2023;
2. Expert discovery, including depositions, shall be completed by April 14, 2023.

#### **PROTECTIVE/CONFIDENTIALITY ORDER**

The parties anticipate jointly submitting a proposed Protective Order addressing confidential or proprietary information before discovery commences in this case.

Respectfully submitted,

**K&L GATES LLP**

Charleston, South Carolina  
Dated: October 3, 2022

/s/ Tara C. Sullivan  
Tara C. Sullivan  
Federal ID No. 11095  
Email: [tara.sullivan@klgates.com](mailto:tara.sullivan@klgates.com)  
134 Meeting Street  
Suite 500  
Charleston, SC 29401  
Telephone: 843.579.5600  
Facsimile: 843.579.5601

Beth W. Petronio (admitted pro hac vice)  
Texas Bar No. 00797664  
Email: [beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)  
1717 Main Street  
Suite 2800  
Dallas, Texas 75201  
Telephone: 214.939.5500  
Facsimile: 214.939.5849

**ATTORNEYS FOR  
TYLER TECHNOLOGIES, INC.**

**DAVIS FRAWLEY, LLC**

/s/ Jeff M. Anderson  
Jeff M. Anderson  
Federal ID No. 1084  
Email: [jeffanderson@oldcourthouse.com](mailto:jeffanderson@oldcourthouse.com)  
140 East Main Street  
Lexington, SC 29072  
Telephone: 803.359.2512

**ATTORNEYS FOR LEXINGTON COUNTY,  
SOUTH CAROLINA**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy the foregoing has been served on all counsel of record pursuant to the Federal Rules of Civil Procedure on October 3, 2022.

/s/ Beth W. Petronio  
Beth W. Petronio